IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1152 of 2001

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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G L GOHIL

Versus

KISHOREKUMAR KISHANCHAND BHATIYA

Appearance:

1. Civil Revision Application No. 1152 of 2001

MR MANOJ N POPAT for Petitioner No. 1

MR AR THACKER for Respondent No. 1

RULE NOT RECD BACK for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 27/08/2002

ORAL JUDGEMENT

This Revision Application is preferred under

Section 115 CPC against the judgment and order dated 10th September, 2001 passed by the learned District Judge, Jamnagar in Civil Misc. Application No.43/2001 in Regular Civil Appeal No.143/2001. The said Regular Civil Appeal No.143/2001 arose from the judgment and order dated 31st November, 1995 passed by the learned Civil Judge (J.D.), Dwarka in Regular Civil Suit No.35/1991. Under the impugned order the learned District Judge has refused to condone the delay in preferring appeal against the above referred judgment of the trial Court.

It appears that in the mean time the respondent landlord had moved Execution Application No.4/1999 before the trial Court, which was allowed on 5th May, 2001. Feeling aggrieved, the petitioner preferred Revision Petition No.5/2001 before the District Judge, Jamnagar. The said Revision Petition was rejected by the learned District Judge, Jamnagar on 10th September, 2001. Feeling aggrieved, the petitioner preferred Special Civil Application No.8864/2001 before this Court under Article 227 of the Constitution of India. The said Special Civil Application No.8864/2001 was rejected by this Court (Coram: Kundan Singh, J.) on 6th October, 2001. However, the Court, at the request of the learned counsel for the petitioner, allowed six months' time to the petitioner to vacate the disputed premises. Learned advocate Mr.A.R.Thacker appearing for the respondent states that pursuant to the said order the respondent has recovered the possession of the suit premises on 6th April, 2002. The Execution Application has also been withdrawn.

In above view of the matter, the present Revision Application shall not survive. The Revision Application is accordingly disposed of. Rule is discharged.

(Ms. R.M. Doshit, J.)
/sakkaf